



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/664,973	09/18/2000	Kevin H. Hazen	IMET0040	4602

7590                    06/05/2003

Michael A Glenn  
3475 Edison Way  
Suite L  
Menlo Park, CA 94025

[REDACTED]  
EXAMINER

SMITH, ZANDRA V

ART UNIT	PAPER NUMBER
2877	

DATE MAILED: 06/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/664,973	HAZEN ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Zandra V. Smith	2877

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-26 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 26 is/are allowed.
- 6) Claim(s) 1-6, 16 and 17 is/are rejected.
- 7) Claim(s) 7-15 and 18-25 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.
 

If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
  - a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.

- 4) Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Objections*

Claim 2 is objected to because significant subject matter is provided in parenthesis, specifically, fiber spacing. Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 are rejected under 35 U.S.C. 102(b) as being anticipated by *Wright et al. (5,710,713)*.

As to **claim 1**, Wright discloses a method of creating standardized spectral libraries for enhanced library searching, comprising:

providing standard spectral measurements from at least one spectrometer, (col. 5, lines 1-5 and lines 59-68);

classifying the spectral measurements into predefined clusters (col. 5, lines 29-39); and

providing calibration models for each cluster, wherein the calibration model compensates for instrumental variation (col. 5, lines 40-50).

As to **claim 2**, Wright discloses everything claimed, as applied above, in addition the instrumental variation comprises baseline deviations (col. 4, lines 63-68).

As to **claim 3**, Wright discloses everything claimed, as applied above, in addition the spectra are measured on a plurality of spectrometers (col. 5, lines 50-58).

As to **claim 4**, Wright discloses everything claimed, as applied above, in addition the spectra are measured on a single spectrometer at successive times (col. 5, lines 59-68).

As to **claim 5**, Wright discloses everything claimed, as applied above, in addition the classifying steps includes extracting features and classifying the features according to the classification model an decision rule (col. 10, line 51-col. 11, line 5).

As to **claim 6**, Wright discloses everything claimed, as applied above, in addition the feature extraction step comprises any mathematical transformation that enhances a particular aspect or quality of data (col. 10, line 51-col. 11, line 5).

As to **claims 16-17**, Wright discloses everything claimed, as applied above, in addition a calibration model is provided for analysis of new sample measurements, and the calibration model, models differences between predefined clusters.

***Allowable Subject Matter***

Claim 26 is allowable over the prior art of record.

Claims 7-15 and 18-25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: the prior art of record, taken alone or in combination, fails to disclose or render obvious the classification model comprising means for determining a set of similarity measures, assigning class membership, feature extraction comprising two categories, factor based methods, or mapping from features to clusters.

*Conclusion*

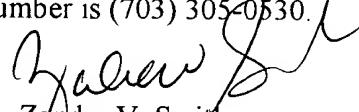
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

*Cooper et al. (6,309,884)*.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zandra V. Smith whose telephone number is (703) 305-7776. The examiner can normally be reached on 8:00 a.m. - 4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank G. Font can be reached on (703)308-4881. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-0530.



Zandra V. Smith  
Primary Examiner  
Art Unit 2877

May 30, 2003